

**U.S. Department of the Interior
Bureau of Land Management
White River Field Office
220 E Market St
Meeker, CO 81641**

DETERMINATION OF NEPA ADEQUACY (DNA)

NUMBER: DOI-BLM-CO-110-2011-0131-DNA

PROJECT NAME: Williams Midstream Pesticide Use Proposal (PUP)

LEGAL DESCRIPTION:

TOWNSHIP	RANGE	SECTIONS, LOTS OR PORTIONS THEREOF
2 South	96 West	5, 8, 16, 17, 20, 21, 32
3 South	96 West	5, 9, 16, 22, 27, 34
4 South	96 West	3

APPLICANT: Monty Elder

DESCRIPTION OF PROPOSED ACTION: Williams Midstream has hired Monty Elder to spray noxious weeds on their pipeline rights-of-way (ROW) in the areas listed above (se Figure 1). The purpose of the application of herbicide treatment(s) are generally for the control and/or eradication of the listed weed species (white top, black henbane, Canada thistle, common mullein, halogeton, houndstongue, leafy spurge, knapweed species, musk thistle, scotch thistle, and yellow toadflax). Herbicides would be applied as per label instructions and restrictions using truck mounted equipment or backpacks. Motorized vehicle access will take place on existing roads, trails, and developed areas including pipeline rights-of-way. Use on the right-of-way will be limited to the least amount necessary to complete weed treatments. Method of application is spot spray treatment with approximately 15 acres spot treated per year.

Control activities would be in compliance with the Record of Decision: Vegetation Treatment on BLM Lands in Seventeen Western States (BLM 2007) and the White River Field Office Integrated Weed Management Plan (BLM 2010). Herbicides to be used and rates are listed in the table below:

HERBICIDE	ACTIVE INGREDIENT	RATE
2,4-D LV 6	2, 4-D	1 qt/acre
Escort XP	Metsulfuron Methyl	2 oz./acre

Decision to be Made: The BLM will decide whether the applicants PUP is adequately analyzed in an existing NEPA document, and whether or not to approve the PUP.

PLAN CONFORMANCE REVIEW:

Name of Plan: White River Record of Decision and Approved Resource Management Plan (ROD/RMP).

Date Approved: July 1, 1997

Decision Number/Page: 2-13

Decision Language: *“Manage noxious weeds so that they cause no further negative environmental aesthetic or economic impact.”*

REVIEW OF EXISTING NEPA DOCUMENTS:

List by name and date all existing NEPA documents that cover the Proposed Action.

Name of Document: White River Resource Area Proposed Resource Management Plan and Final Environmental Impact Statement (PRMP/FEIS).

Date Approved: June 1996

Name of Document: White River Resource Area Proposed Resource Management Plan and Final Environmental Impact Statement (PRMP/FEIS).

Date Approved: July 1, 1997

Name of Document: White River Field Office Integrated Weed Management Plan (DOI-BLM-CO-110-2010-0005-EA).

Date Approved: 03/19/2010

NEPA ADEQUACY CRITERIA:

1. Is the new Proposed Action a feature of, or essentially similar to, an alternative analyzed in the existing NEPA document? Is the project within the same analysis area, or if the project location is different, are the geographic and resource conditions sufficiently similar to those analyzed in the existing NEPA document? If there are differences, can you explain why they are not substantial?

Documentation of answer and explanation: Yes, the proposed chemical treatments in the Proposed Action were a feature of the analysis in the White River Field Office Integrated Weed Management Plan (DOI-BLM-CO-110-2010-0005-EA), which analyzed alternatives for doing noxious weed treatments within the field office boundary using these herbicides. The integrated weed control strategy is improving vegetation conditions.

2. Is the range of alternatives analyzed in the existing NEPA document appropriate with respect to the new Proposed Action, given current environmental concerns, interests, and resource values?

Documentation of answer and explanation: Four alternatives, the Proposed Action, the No Action Alternative, No Aerial Application of Herbicides Alternative, and the No Herbicide Use Alternative were analyzed in DOI-BLM-CO-110-2010-0005-EA. No reasons were identified to analyze additional alternatives and these alternatives are considered to be adequate and valid for the Proposed Action.

3. Is the existing analysis valid in light of any new information or circumstances (such as, rangeland health standard assessment, recent endangered species listings, updated lists of BLM-sensitive species)? Can you reasonably conclude that new information and new circumstances would not substantially change the analysis of the new Proposed Action?

Documentation of answer and explanation: Yes, the analysis in the EA listed above is still valid. There is no known new information or circumstances that would substantially change the analysis of the new Proposed Action.

4. Are the direct, indirect, and cumulative effects that would result from implementation of the new Proposed Action similar (both quantitatively and qualitatively) to those analyzed in the existing NEPA document?

Documentation of answer and explanation: Yes, the direct, indirect, and cumulative effects that would result from implementation of the new Proposed Action is similar (both quantitatively and qualitatively) to those analyzed in the existing NEPA document, DOI-BLM-CO-110-2010-0005-EA.

5. Is the public involvement and interagency review associated with existing NEPA documents adequate for the current Proposed Action?

Documentation of answer and explanation: Yes, consultation occurred between the BLM and the US Fish and Wildlife Service for environmental assessment, DOI-BLM-CO-110-2010-0005-EA. In addition, lists of the current NEPA documents (projects) are available for review on the White River Field Office webpage.

INTERDISCIPLINARY REVIEW:

The Proposed Action was presented to, and reviewed by, the White River Field Office interdisciplinary team on 06/17/2011. A complete list of resource specialists who participated in this review is available upon request from the White River Field Office. The table below lists resource specialists who provided additional remarks concerning cultural resources and special status species.

Name	Title	Resource	Date
Kristin Bowen	Archaeologist	Cultural Resources, Native American Religious Concerns	6/17/2011
Lisa Belmonte	Wildlife Biologist	Special Status Wildlife Species	7/13/2011
Matthew Dupire	Rangeland Specialist	Special Status Plant Species	7/13/2011

REMARKS:

Cultural Resources: All treatments are proposed for previously disturbed ground which should have been previously inventoried for the various developments, and also meets the BLM criteria in the BLM 8100 manual for waiver of inventory requirements. There should be no new impacts to cultural resources provided all vehicular traffic is restricted to existing roads and trails. The normal half-life of herbicides is not expected to cause any impacts to cultural resources. An indirect impact of herbicide application is the unlawful collection of artifacts and vandalism.

Native American Religious Concerns: No Native American religious concerns are known in the area. Should future consultations with Ute tribal authorities reveal the existence of such sensitive properties, appropriate mitigation and/or protection measures may be undertaken.

Threatened and Endangered Wildlife Species: The pipeline right-of-way passes through overall greater sage-grouse range, a BLM sensitive species and candidate for listing under the Endangered Species Act in the following areas: T3S R96W Section 34; T4S R96W Section 3; and T2S R96W Section 8.

The pipeline right-of-way is located approximately 75 meters north of Piceance Creek in T2S R96W Section 32. This system supports higher order aquatic vertebrate species including speckled dace, in addition to three BLM sensitive species - mountain sucker, flannelmouth sucker, and northern leopard frog.

Threatened and Endangered Plant Species: There will be no threatened or endangered plants impacted by the Proposed Action.

MITIGATION:

The following applicable mitigation from DOI-BLM-CO-110-2010-0005-EA has been carried forward:

1. The applicant is responsible for informing all persons who are associated with the project that they will be subject to prosecution for knowingly disturbing archaeological sites or for collecting artifacts. If archaeological materials are discovered as a result of operations

under this authorization, the applicant must immediately contact the appropriate BLM representative.

2. Pursuant to 43 CFR 10.4(g), the applicant must notify the AO, by telephone and written confirmation, immediately upon the discovery of human remains, funerary items, sacred objects, or objects of cultural patrimony. Further, pursuant to 43 CFR 10.4(c) and (d), the applicant must stop activities in the vicinity of the discovery and protect it.
3. The applicant is responsible for informing all persons who are associated with the project operations that they will be subject to prosecution for disturbing or collecting vertebrate fossils, collecting large amounts of petrified wood (over 25lbs./day, up to 250lbs./year), or collecting fossils for commercial purposes on public lands. If any paleontological resources are discovered as a result of operations under this authorization, the applicant must immediately contact the appropriate BLM representative.
4. In order to minimize the amount of chemical entering aquatic habitats, a minimum buffer strip of 25 ft (7.6m) will be provided for vehicle applications (e.g. ATV sprayers). Within 25 ft (7.6m) of water, herbicides will be applied using a backpack sprayer. Herbicides that pose a moderate to high risk to fish (e.g. bromacil, diquat, diuron, terrestrial formulations of glyphosate, imazapyr, picloram, and triclopyr BEE at any application rate or 2,4-D and triclopyr TEA at maximum application rates) will not be used within 10 ft (3m) of water.
5. Care should be taken when treatments include riparian vegetation which is a critical habitat component for all special status aquatic wildlife species. Efforts should be taken to avoid or minimize involvement and damage to woody riparian shrubs and trees by using manual control, minimizing the wetting of desirable plant foliage with herbicide, and using less persistent herbicides beneath or within 25 feet (7.6 m) of desirable plant canopies.
6. To minimize disturbance to nesting sage-grouse, treatments shall not occur from April 15th through July 7th in T3S R96W section 34 and T4S R96W section 3.

COMPLIANCE PLAN: On-going compliance inspections and monitoring will be conducted by the BLM White River Field Office staff during herbicide application. Specific mitigation developed in this document will be followed. The operator will be notified of compliance related issues in writing, and depending on the nature of the issue(s), will be provided 30 days to resolve such issues.

NAME OF PREPARER: Matthew Dupire

NAME OF ENVIRONMENTAL COORDINATOR: Heather Sauls

CONCLUSION

Based on the review documented above, I conclude that this proposal conforms to applicable land use plan and that the NEPA documentation fully covers the Proposed Action and constitutes BLM's compliance with the requirements of the NEPA.

SIGNATURE OF AUTHORIZED OFFICIAL:

Heather Sauls
for Field Manager

DATE SIGNED:

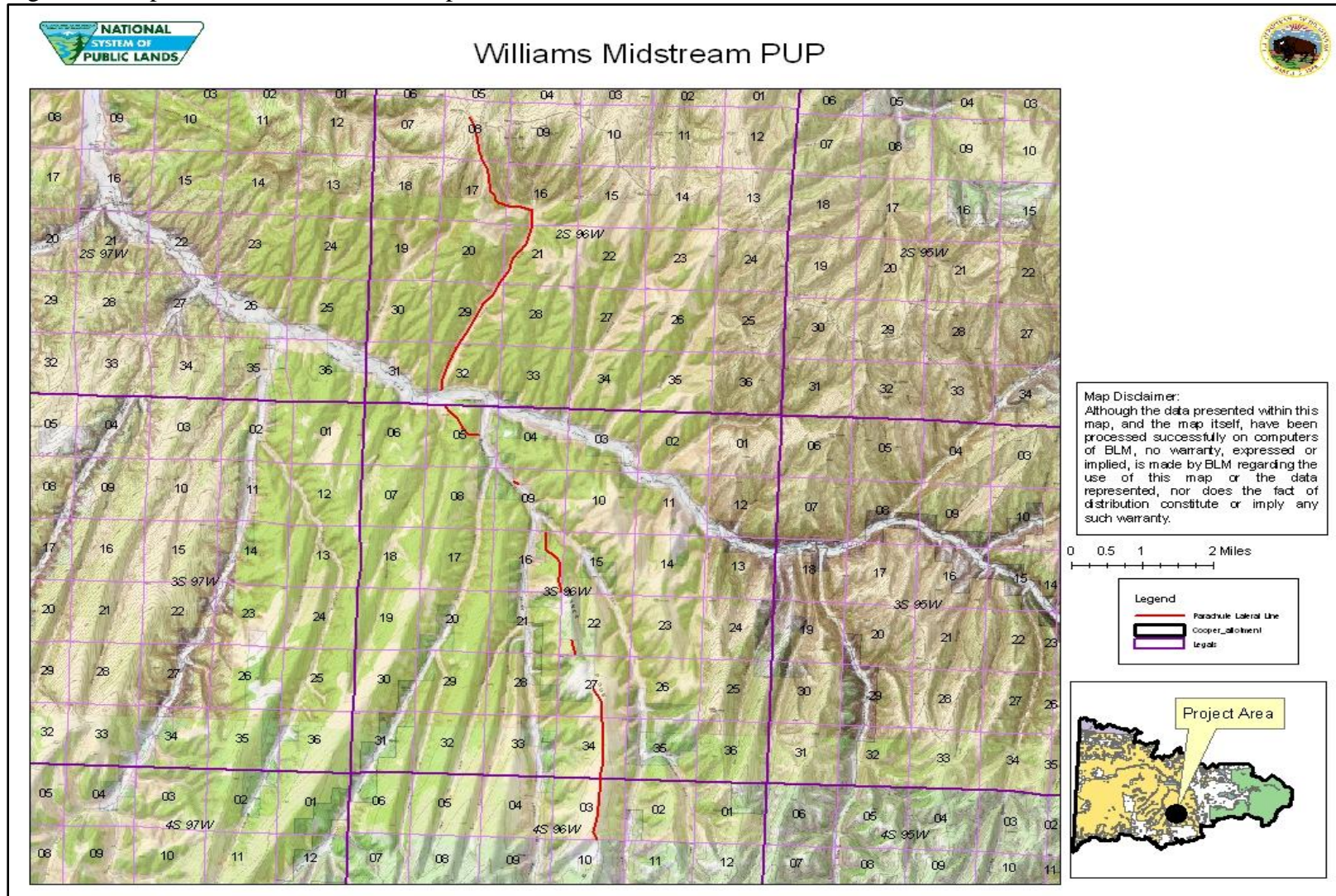
12/9/2011

ATTACHMENTS:

Figure 1: Map of Williams Midstream Pipeline

Note: The signed Conclusion in this DNA Worksheet is part of an interim step in the BLM's internal decision process and does not constitute an appealable decision. However, the lease, permit, or other authorization based on this DNA is subject to protest or appeal under 43 CFR Part 4 and the program-specific regulations.

Figure 1: Map of Williams Midstream Pipeline



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DECISION RECORD

PROJECT NAME: Williams Midstream PUP

DETERMINATION OF NEPA ADEQUACY NUMBER: DOI-BLM-CO-2011-0131-DNA

DECISION

It is my decision to implement the Proposed Action, as mitigated in DOI-BLM-CO-2011-0131-DNA, authorizing the Pesticide Use Proposal.

Mitigation Measures

1. The applicant is responsible for informing all persons who are associated with the project that they will be subject to prosecution for knowingly disturbing archaeological sites or for collecting artifacts. If archaeological materials are discovered as a result of operations under this authorization, the applicant must immediately contact the appropriate BLM representative.
2. Pursuant to 43 CFR 10.4(g), the applicant must notify the AO, by telephone and written confirmation, immediately upon the discovery of human remains, funerary items, sacred objects, or objects of cultural patrimony. Further, pursuant to 43 CFR 10.4(c) and (d), the applicant must stop activities in the vicinity of the discovery and protect it.
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to avoid or minimize involvement and damage to woody riparian shrubs and trees by using manual control, minimizing the wetting of desirable plant foliage with herbicide, and using less persistent herbicides beneath or within 25 feet (7.6 m) of desirable plant canopies.

6. To minimize disturbance to nesting sage-grouse, treatments shall not occur from April 15th through July 7th in T3S R96W section 34 and T4S R96W section 3.

COMPLIANCE WITH LAWS & CONFORMANCE WITH THE LAND USE PLAN

This decision is in compliance with the Endangered Species Act, and the National Historic Preservation Act. It is also in conformance with the 1997 White River Record of Decision/Approved Resource Management Plan.

PUBLIC INVOLVEMENT

The BLM informed the public about this project by listing it on the online WRFO NEPA Register on 6/17/2011 and a copy of the completed Documentation of NEPA Adequacy will be posted on the WRFO website.

RATIONALE

The proposal for a Pesticide Use Proposal (PUP) in concert with the applied mitigation conforms to the land use plan and the NEPA documentation previously prepared fully covers the Proposed Action and constitutes BLM's compliance with the requirements of NEPA. A PUP is needed to control noxious weeds along the pipeline right-of-way as required in the NEPA documents that approved the right-of-way.

ADMINISTRATIVE REMEDIES

Any appeal of this decision must follow the procedures set forth in 43 CFR Part 4. Within 30 days of the decision, a Notice of Appeal must be filed in the office of the Authorized Officer at White River Field Office, 220 East Market St., Meeker, CO 81641 with copies sent to the Regional Solicitor, Rocky Mountain Region, 755 Parfet St., Suite 151, Lakewood, CO 80215, and to the Department of the Interior, Board of Land Appeals, 801 North Quincy St., MS300-QC, Arlington, VA, 22203. If a statement of reasons for the appeal is not included with the notice, it must be filed with the Interior Board of Land Appeals at the above address within 30 days after the Notice of Appeal is filed with the Authorized Officer.

SIGNATURE OF AUTHORIZED OFFICIAL:


for Field Manager

DATE SIGNED: 12/9/2011